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Our Ref: IM-FOI-2022-1631
Date: 15 August 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

Police Scotland continues to investigate reports of 'spiking'. Spiking, whether by adding drugs or alcohol to someone's drink, or by injection, without their consent, is a criminal offence. It can put people at significant risk of harm.

Officers are not always able to determine the reasons why a perpetrator carries out an assault in this way, but every report is taken seriously and investigated robustly.

Police Scotland continues to work with a range of partners, locally and nationally to ensure pubs and clubs are safe spaces for all.

We are working in communities, with licensees, pubs and clubs, to provide advice and support and to offer bystander training to help spot the signs of when someone may be at risk. We have also reached out to student communities to offer advice, support and reassurance.

We would encourage anyone who believes they have had their drink spiked or been assaulted in this way to contact Police Scotland on 101 or in an emergency 999.

For ease of reference, your request is replicated below together with the response.

The number of recorded incidents, charges and convictions for drink spiking and assaults involving needles in the north-east and highlands and islands operational divisions in years 2019, 2020, 2021 and 2022 (up until the date of this email).

Please provide the information in a form equivalent to the following link:

www.gmp.police.uk/foi-ai/greater-manchester-police/disclosure-2019/may/drink-spiking---foi-gsa-142919/

This information can be found with a keyword search of MO codes (for all incidents), as well as searching records of charges and convictions.

First of all, in relation to **convictions**, data is not held by Police Scotland and section 17 of the Act therefore applies. You may wish to contact the Crown Office and Procurator Fiscal Service (COPFS).

In relation to **crime** data, I would first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classifications.

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Whilst there is no classification for 'spiking' specifically, I have considered your request in terms of the most *potentially relevant* crime classifications as follows:

Drugging - Is a Crime at Common Law, when drugs are feloniously administered with intent to produce stupefaction. There need be no further intent, and it is not necessary that injury to the person be caused.

Administering a substance for sexual purposes - Section 11 of the Sexual Offences Scotland Act 2009 refers (for further details please see www.legislation.gov.uk)

Common Assault

Serious Assault

Unfortunately, I am unable to provide you with data regarding the specific MO of any of these crimes - ie whether by needle/ injection - as it would be necessary to individually assess each crime report, note the details and then analyse the results.

Given the thousands of potentially relevant crime reports for the time period/ divisions referenced, it is estimated that this process would far exceed the cost limit set out in the Fees Regulations which, as you may be aware is £600.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

It should also be recognised that even were it possible to conduct the assessment within cost, many of these crimes are incredibly recent and there will be continual updates to the crime report as investigations progress.

It may not always be possible so soon after reporting to determine the method used and furthermore, any initial assessment may change as investigations progress.

For the avoidance of any doubt I can confirm that it is *not possible* to conduct a key word search either of the MO field or of the crime report as a whole – meaning we cannot use the same methodology as the GMP request you refer to in your request.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

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You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.